

In the United States Court of Appeals
for the Ninth Circuit

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

CASE No. 24-7203

BENJAMIN MARTIN,
Defendant-Appellant

D.C. No. 1:21-CR-228-NODJ-BAM

**APPELLANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME FOR
FILING OPENING BRIEF**

The Defendant, BENJAMIN MARTIN, pursuant to Ninth Circuit Rule 31-2.2(b), moves for an extension to file his Opening Brief and as grounds for the substantial need for this extension, declares as follows:

- 1) The brief is currently due to be filed on **May 21, 2025**, and this motion is filed at least seven (7) days prior to that date.
- 2) The brief was originally due to be filed on **February 19, 2025**. A streamlined extension of time was previously requested by the Appellant when he was represented by the Federal Public Defender's Office.
- 3) The Appellant requests an extension of **thirty (30) days** from the current due date of **May 21, 2025**, up to and including **June 20, 2025**.
- 4) The basis for the requested extension is as follows: The primary issue in this appeal is the applicability of the "January 6" presidential pardon to the Appellant's conviction in this case. The newly appointed Pardon Attorney, that is, the attorney

who will now head the Office of Pardon Attorney, is Edward Martin, Jr. Prior to his appointment, he was, coincidentally, the interim United States Attorney for the District of Columbia, the office that prosecuted over 1,500 defendants for the events that occurred on January 6. His last day as US Attorney in that office was yesterday, May 13, 2025.

5) While US Attorney, Martin and his office, in an almost identical case, took the position, in writing, that President Trump's January 6 presidential pardon applied to situations where, like this Appellant, a search of the January 6 defendant's residence was conducted pursuant to a January 6 warrant and weapons were discovered. *United States v. Dan Wilson*, 23-cr-427 (DC District Court) (ECF 108 and 111). Undersigned counsel has already made contact with the Office of the Pardon Attorney regarding this situation.

6) Obviously, the potential executive action in pardoning this Appellant for this case would then moot this appeal and save both the Court and the government substantial time and resources that could be devoted to other pressing matters.

7) No party objects to this request. On the contrary, undersigned counsel has conferred with counsel for the Appellee, Nirav Desai, and is authorized to represent to the Court that he has no opposition to the requested extension.

WHEREFORE, based upon the foregoing, the Appellant respectfully requests that the Court grant the requested relief.

Respectfully submitted,

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Certificate of Service

I certify that a copy of this motion and the notice of electronic filing was sent by CM/ECF on May 14, 2025.

Respectfully submitted,
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